



United States Attorney
Southern District of New York

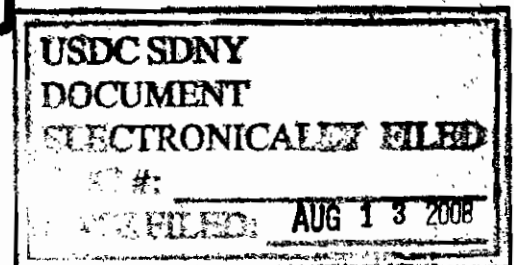
The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

August 13, 2008

MEMO ENDORSED

BY FACSIMILE

The Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 755
New York, New York 10007



Re: United States v. Kelvin Polanco,
08 Cr. 675 (LTS)

Dear Judge Swain:

A pre-trial conference in the above-referenced case is scheduled for Friday, August 15, 2008, at 10:45 a.m. The Government respectfully requests, on behalf of both parties, that the conference scheduled for August 15, 2008, be adjourned to a date in early September. Neither the Government attorney responsible for this case, nor counsel for Mr. Polanco, are available on August 15, 2008. The defendant was indicted on July 22, 2008, and was arraigned before Magistrate Judge Ellis on July 28, 2008. Discovery has been produced, and the parties have been in discussions about a possible disposition to this case. For all of these reasons, the parties request that the pre-trial conference scheduled for August 15, 2008, be adjourned for approximately three weeks.

If Your Honor grants the parties' request, then the Government respectfully requests that the Court exclude time from August 15, 2008 until the date set by the Court for the next pre-trial conference, pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(8)(A). The ends of justice served by such continuance outweigh the interest of the public and the defendant in a speedy trial because the continuance will

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allow the defendant and his attorney to continue to review discovery and consider possible motions or a disposition to this matter. Defense counsel consents to this request for the exclusion of time.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

By:

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cc: Edward M. Kratt, Esq.
Attorney for Defendant

THE REQUESTED ADJOURNMENT AND EXCLUSION ARE GRANTED. THE CONFERENCE IS ADJOURNED TO **SEPTEMBER 12, 2008, AT 12:30 P.M.** THE COURT FINDS THAT THE ENDS OF JUSTICE SERVED BY THE GRANTING OF AN EXCLUSION FROM SPEEDY TRIAL COMPUTATIONS FOR THE PERIOD FROM TODAY'S DATE THROUGH **SEPTEMBER 12, 2008**, OUTWEIGH THE BEST INTERESTS OF THE PUBLIC AND THE DEFENDANT IN A SPEEDY TRIAL BECAUSE OF THE NEED FOR REASONABLE TIME FOR EFFECTIVE TRIAL PREPARATION AND ONGOING DISCUSSIONS. THE COURT, ACCORDINGLY, EXCLUDES SUCH TIME PERIOD PROSPECTIVELY. SO ORDERED.

LAURA TAYLOR SWAIN
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UNITED STATES DISTRICT JUDGE